

1 **Matthew S. Hale, Esq.**
2 **HALE & ASSOCIATES**
3 **Calif. State Bar No. 136690**
4 **45 Rivermont Drive**
5 **Newport News, VA 23601**

6 **Mailing Address:**
7 **P.O. Box 1951**
8 **Newport News, VA 23601**

9 **Telephone No. (757) 596-1143**
10 **E-Mail: matthale@verizon.net**

11 **Attorney for Plaintiff DAVID J. LEE**

12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 **DAVID J. LEE, an individual and, on**
15 **behalf of others similarly situated,**

16 **Plaintiff,**

17 **vs.**

18 **CAPITAL ONE BANK and CAPITAL**
19 **ONE SERVICES, INC., Virginia**
20 **corporations, DOES 1 through 100,**
21 **inclusive,**

22 **Defendants.**

FILED
APR - 4 2008
RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

) **Case No.: C-07-4599 - MHP**

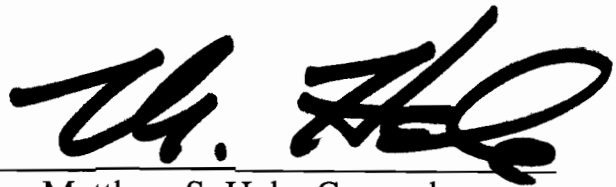
) **REPRESENTATION STATEMENT**

) **[NOTICE OF APPEAL, AND CIVIL**
) **APPEALS DOCKETING STATEMENT,**
) **AND NOTICE OF INTENT TO**
) **DESIGNATE PORTIONS OF COURT**
) **TRANSCRIPT AND STATEMENT OF**
) **ISSUES, FILED CONCURRENTLY]**

1 The undersigned represents David J. Lee, Plaintiff/Appellant in this matter,
2 and no other parties. Attached is a service list that shows all of the parties to the
3 action below, and identifies their counsel by name, firm, addresses, and telephone
4 number, where appropriate. (F.R.A.P. 12(b); Circuit Rule 3-2(b).)
5

6 Dated: April 2, 2008

Respectfully submitted,

7
8 
9

10 Matthew S. Hale, Counsel
11 For Plaintiff/ Appellant
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Service List

Plaintiff/Appellant David J. Lee is represented by attorney Matthew S. Hale of the Hale & Associates. Mr. Hale's mailing address is P.O. Box 1951, Newport News, Virginia 23601. The physical address of Mr. Hale's office is 45 Rivermont Drive, Newport News, Virginia, 23601. His telephone number is (757) 596-1143. His e-mail address is matthale@verizon.net.

Defendants/Appellees, Defendants Capital One Bank and Capital One Services, Inc., are represented by attorney Mr. James McGuire of the law firm of Morrison & Foerster, L.L.P., which is located at 425 Market Street, San Francisco, CA 94105. His telephone number is (415) 268-7013. Mr. McGuire's e-mail address is JMcGuire@mofo.com.

PROOF OF SERVICE

I am employed in the City of Newport News, Virginia. I am over the age of eighteen (18) and not a party to the within action; my business address is P.O. Box 1951, Newport News, VA 23601.

On Tuesday, April 1, 2008, I caused to be served by Federal Express overnight courier the foregoing documents: (1) Notice of Appeal to the United States Court of Appeal for the Ninth Circuit, (2) Representation Statement, (3) Civil Appeals Docketing Statement, and (4) Notice of Intent to Designate Portions of Court Transcript and Statement of Issues.

The foregoing documents were served on:

**Mr. James McGuire
Morrison & Foerster, L.L.P.
425 Market Street
San Francisco, CA 94105
Phone: (415) 268-7013**

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on the 2nd day of April 2008 in Newport News, Virginia.



Matthew S. Hale, Esq.